

Application No. 10/693,087
Response to Office Action

Customer No. 01933

R E M A R K S

Entry of this Amendment and reconsideration of this application as amended are respectfully requested.

Claims 1-26 are pending in this application and all have been rejected. Claim 27, which was deemed drawn to a non-elected invention, has been cancelled without prejudice to filing a divisional application directed to the subject matter of this claim.

The courtesies extended by the Examiner in a telephonic interview regarding this application are gratefully appreciated. In the interview, similarities between the subject matter of claim 14 herein and claim 82 of USP 6,804,930 were pointed out and the disparity between the indication of allowability of claim 82 of the '930 patent over cited prior art and the rejection of claim 14 over the same prior art was discussed. These arguments are more fully set forth below.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al. (USP 4,869,049).

The Examiner's rejection of all of the claims is respectfully traversed and arguments in support of the traversal are set forth in the Amendment filed February 1, 2005.

In addition to these arguments, it is pointed out that claim 14 includes features similar to those set forth in claim 82 of a parent application, U.S. patent application Ser. No. 10/456,428

Application No. 10/693,087
Response to Office Action

Customer No. 01933

(now USP 6,804,930), which were considered and deemed allowable over Richards et al. by the Examiner herein. Namely, claim 14 of the instant application and claim 82 of the '930 patent both include the feature of a weakened portion formed on a cartridge, or more specifically a cover thereof, such that a part of the cartridge or cover on one side of the weakened portion is foldable about the weakened portion onto another part of the cartridge or cover on an opposite side of the weakened portion.

A cartridge including a weakened portion is not disclosed, taught or suggested by Richards et al. Rather, Richards et al. includes a plastics ring 72 as its cover which does not include any such weakened structure which enables the cartridge to be folded after use.

In view of the fact that Richards et al. does not disclose a cover of a cartridge having a weakened portion arranged as set forth in claim 14 and in view of the Examiner's indication of allowability of claim 82 of the '428 application which includes this feature, it is respectfully submitted that claim 14, and claims 15-18 which depend directly or indirectly therefrom, should be allowable over Richards et al.

Moreover, claims 9 and 21 also include features similar to the weakened portion on the cover of the cartridge as set forth in claim 14. For the same reasons that claim 14 should be allowable over Richards et al., claims 9 and 21 and claims 10 and

Application No. 10/693,087
Response to Office Action

Customer No. 01933

11 which depend from claim 9, should also be allowable over Richards et al.

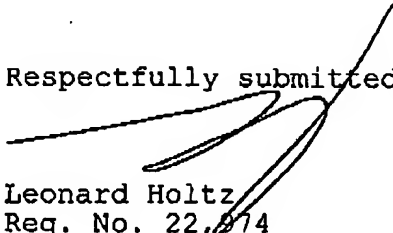
In view of the foregoing, it is respectfully submitted that claims 1-26 patentably distinguish over Richards et al. under 35 USC 103.

* * * * *

In view of the foregoing, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


Leonard Holtz
Reg. No. 22,874

Frishauf, Holtz, Goodman & Chick, P.C.
767 Third Avenue - 25th Floor
New York, New York 10017-2023
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
LH:br/nps